

HARPSWELL ROAD ORDINANCE

Effective Dates

Harpswell Town Road Ordinance adopted March 10, 1984

Replaced by -

Harpswell Town Road Ordinance Adopted March 16, 1996

Amended March 15, 1997

Repealed and Replaced by -

Harpswell Road Ordinance Adopted March 16, 2002

Amended May 18, 2002

Amended March 8, 2003

Amended March 13, 2005

Amended March 10, 2007

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Harpswell Road Ordinance

Section 1. Purpose

1.1 The purpose of the ordinance is to set construction standards for certain classes of roads, protect the safety and welfare of the citizens, provide for convenient travel, and minimize future maintenance costs.

Section 2. Authority, Applicability and Administration

2.1 This ordinance is adopted pursuant to home rule powers as provided for in article VIII, part 2 of Maine Constitution and 30-A Maine Revised Statutes Annotated (M.R.S.A)

2.2 The ordinance is known as the Harpswell Road Ordinance and shall govern the construction of all collector roads, local roads, and driveways. All roads shall be constructed in accordance with this ordinance and Maine Department of Transportation (MDOT) standards. This ordinance repeals and replaces the Town Road Ordinance adopted March 16, 1996 and amended March 15, 1997.

Except as provided in Section 6 of this Ordinance or as may otherwise be required by law, roads in existence as of March 9, 2002 do not need to be upgraded for development.

2.3 Private roads may be proposed for acceptance at a Town meeting by a majority vote of the selectmen or by petition signed by a number of registered voters not less than 10% of votes cast in the town in the last gubernatorial election.

All roads to be presented for acceptance by the Town must meet the major local road standards and be paved, a minimum of 18 feet in width, with 2 1/2 inches of modified B binder hot bituminous concrete.

2.4 The Codes Enforcement Officer shall administer this ordinance.

Section 3. Definitions

Driveway - A private vehicular access way connecting a house, garage or other structure on a single lot to a road.

Road – any one of the following vehicular access ways:

Arterial Road - A road that is functionally classified by the Maine Department of Transportation as an arterial, with controlled access, traffic signals at important intersections and/or stop signs on side roads.

Collector Road - A road that is functionally classified as a collector by the Maine Department of Transportation, and that collects traffic from local roads and connects with arterial roads.

Local Road – A public road or private road, other than arterial or collector roads.

Private Road – A road that is privately owned, built, and maintained, but not including a driveway.

***Citizen's Note:** The town may not, under Maine law, spend public funds to construct, repair, maintain or plow privately owned roads.*

Public Road – A public easement or town way.

Public Easement - An easement held by the municipality for purposes of public access to land or water not otherwise connected to a public way, and includes the rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976, pursuant to 23 M.R.S.A. § 3012 (2).

Town Way - An area of land designated and held by a municipality for passage and use of the general public by motor vehicle; all town or county ways not discontinued or abandoned before July 29, 1976; and all state or state aid highways, or both, which are classified town ways as of July 1, 1982, or thereafter, pursuant to 23 M.R.S.A. § 53.

Section 4. New Road and Driveway Construction Standards

4.1 New Road and Driveway Construction Standards¹

TYPE OF ROAD	COLLECTOR ROAD	LOCAL ROAD serving 5 or more lots or dwelling units	LOCAL ROAD serving 3 or 4 lots or dwelling units
Minimum Right of Way Width	50'	33'	33'
Minimum Traveled Way	22'	18'	16'
Minimum Shoulder Width	9'	3'	3'
Minimum Grade	0.5%	0.5%	n/a
Maximum Grade (may be increased up to 16% for a distance of 200' or less)	10%	10%	10%
Minimum Radius of Center Line Curves	200'	150'	100'
Minimum Tangent Between Reverse Curves (May be waived by the Planning Board for extreme conditions within sub-divisions)	200'	100'	100'
Roadway Crown	1/4"/'	1/4"/'	1/4"/'
Minimum Angle of Intersection	60°	60°	60°
Minimum Distance Between Intersections			
Same Side	400'	300'	300'
Opposite Side	250'	150'	150'
Maximum Grade within 50' of Intersections	3%	3%	3%
Traveled Way Radii			
90° Intersection	20'	15'	15'
60° to 90° Intersection	30'	30'	30'
90° to 120° Intersection	40'	30'	30'
Minimum Property Line Radii at Intersections	10'	10'	10'
Minimum Radii at Cul de Sac with Island			
Property Line	N/A	60'	50'
Outer Traveled Way or Pavement Edge	N/A	50'	40'
Inner Traveled Way or Pavement Edge	N/A	25'	20'
MDOT Approved Aggregate Sub-Base	12"	12"	12"
MDOT Approved Finish Gravel	6"	6"	6"

* Subdivisions are required to build a road according to the number of lots served.

4.2 Other Requirements: In addition to the above requirements, the following requirements shall also be met:

4.2.2 The area to be used for the traveled portion of roads, including shoulders and side slopes must be cleared, grubbed and excavated to a depth of at least twelve (12) inches.

4.2.3 Where adequate drainage can not be obtained using twelve (12) inches of sub-base material, the road must be completed using designs consistent with the engineering standards approved by the Codes Enforcement Officer

4.2.4 Where new pavement joins existing pavement, the existing pavement shall be cut along a straight line or series of straight lines and shall form a neat, even vertical joint.

4.2.5 Curbing may be required when it is necessary, as determined by the Codes Enforcement Officer, for pedestrian or vehicle safety, storm water control, or to minimize long-term maintenance costs for the Town.

4.2.6 Unless otherwise approved by the Codes Enforcement Officer all roads shall have side slopes shall be no steeper than 3:1. Back slopes shall not exceed 3:1, except that for stream and/or wetland crossings may have a slope of up to 1.5 to 1 in accordance with Department of Environment Protection (MDEP) standards. In ledge cuts, back slopes may be as steep as 1:10, with the approval of the Codes Enforcement Officer. Side slopes and back slopes shall be graded, loamed, fertilized and seeded, following recommendations in the latest edition of the MAINE ENVIRONMENTAL QUALITY HANDBOOK prepared by the Maine Soil and Water Conservation Commission.

4.2.7 Guard Rails may be required when slopes exceed 2:1 as determined by the Codes Enforcement Officer, for pedestrian or vehicle safety. Guard Rails may be constructed out of any material MDOT approved, including but not limited to wood.

4.2.8 Shoulders shall be measured from the edge of the traveled way to the bottom of the drainage ditch

4.2.9 Erosion control measures for all roads must meet MDEP standards.

4.2.10 No new stone walls, retaining walls, or solid fences shall be constructed within 8' of the edge of the pavement of any traveled way maintained by the Town; provided, however, that no such walls or fences shall be located within the right of way of a State road or a public road.

Section 5. Road Names

5.1 All roads shall be named by the Town in accordance with the Harpswell Enhanced 911 Ordinance and any subsequent ordinances related to it.

5.2 Only town approved roads signs may be used at the intersection of any roads. These sign must be compliant with the Harpswell Enhanced 911 Ordinance and approved by the Board of Selectmen before installation.

Section 6. Subdivision Roads

6.1 Individual lots within subdivisions shall have no more than one two-way access driveway per one hundred fifty (150) feet of frontage and no more than two access driveways per lot.

6.2 Subdivisions with roads connecting directly to State arterial roads shall obtain entrance permits from Maine DOT. Final approval of a subdivision shall not be granted until entrance permits are obtained and a copy submitted to the Planning Board.

6.3 New subdivisions connecting directly to existing private road(s), must upgrade the existing private road(s) to the local road standards, from the point of entrance from a public road onto the existing private road to the point of intersection with the new private road. Where the right-of-way of the existing road is less than thirty three (33) feet, the applicant may request, and the Planning Board may grant, a waiver of the right-of-way requirement as long as all other construction standards are met.

6.4 New subdivisions connecting directly to existing public road(s) must upgrade the public road(s) to the applicable road construction standards if it is determined by the Planning Board that the subdivision will have a detrimental effect on the condition of the public road(s), the level of service at nearby intersections impacted by the subdivision and the carrying capacity of existing public road(s).

6.5 Cul-de-sacs and dead end roads that provide the sole vehicular access to improved or improvable land in the subdivision shall be provided with a suitable turning circle or turnaround, as applicable, at the closed end.

6.5.1 A hammerhead turnaround, whether temporary or permanent, shall be constructed to specified road standards for a distance of fifty (50) feet and shall be located at a ninety degree (90°) angle to the road it serves.

6.5.2 A T-shaped turnaround, whether temporary or permanent, shall be constructed to specified road standards for whatever minimum distance is necessary for each lot that it serves to meet frontage requirements.

6.5.3 All turning circles shall be constructed to the standards set forth in Section 4 of this Ordinance.

6.5.4 Temporary turning circles may be allowed where future road extensions are planned, provided that all lots are designed to provide the required frontage along the road extension after the removal of the turning circle.

Section 7. Notice of Permits

7.1 Copies of any MDEP applications and permits for stream or wetland crossings must be provided to the Codes Enforcement Office before construction of any road or driveway.

7.2 A road or driveway connecting to an arterial or collector road must obtain entrance permits from MDOT. A copy of the application must be submitted to the Codes Enforcement Officer before construction may begin.

Section 8. Enforcement and Appeals

8.1 This ordinance shall be enforced in accordance with the enforcement provisions of the Town's Basic Land Use Ordinance.

8.2 Any person aggrieved by a decision of the Code Enforcement Officer may appeal such a decision to the Board of Appeals in accordance with the appeal provisions in the Basic Land Use Ordinance.